

BEFORE THE ARIZONA CORPORATION COMMISSION

ROBERT "BOB" BURNS - Chairman
BOYD DUNN
SANDRA D. KENNEDY
JUSTIN OLSON
LEA MÁRQUEZ PETERSON

DOCKET NO. S-21114A-20-0244

**NOTICE OF OPPORTUNITY FOR HEARING
REGARDING PROPOSED ORDER OF
REVOCATION**

Respondent.

EACH RESPONDENT HAS 30 DAYS TO FILE AN ANSWER

The Securities Division ("Division") of the Arizona Corporation Commission ("Commission") alleges that Adrian Ortega ("Respondent") has engaged in acts, practices, and transactions that provide grounds for revocation of his registration as a securities salesman under the Securities Act of Arizona, A.R.S. § 44-1801 *et seq.* ("Securities Act").

JURISDICTION

1. The Commission has jurisdiction over this matter pursuant to Article XV of the Arizona Constitution and the Securities Act.

FACTS

2. At all times relevant to this matter, Respondent has been a resident of Arizona.

1 3. From on or about September 15, 2008, through June 20, 2014, Respondent was a
2 registered representative with the Financial Industry Regulatory Authority ("FINRA") and a registered
3 securities salesman with the Commission (CRD #5591481).

4 4. From on or about April 13, 2015, through September 21, 2018, Respondent was a
5 registered representative with the Financial Industry Regulatory Authority ("FINRA") and a registered
6 securities salesman with the Commission in association with BBVA Securities, Inc. ("BBVA").

7 5. On or about August 24, 2018, BBVA terminated Respondent's association with BBVA
8 for loss of confidence and trust in relation to violations of the bank's Code of Conduct.

9 6. BBVA filed a Uniform Termination Notice for Securities Industry Registration, Form
10 U5 on or about September 21, 2018, which terminated Respondent's registration with FINRA and the
11 Commission.

12 7. On March 21, 2019, Respondent entered into a settlement through a FINRA Letter of
13 Acceptance, Waiver, and Consent ("AWC"), which was accepted by FINRA on April 1, 2019.

14 8. According to the AWC, Respondent is permanently barred from association with any
15 FINRA members for violating FINRA Rules 8210 and 2010 by failing to provide documents and
16 information requested by FINRA.

17 9. Respondent is not currently registered with FINRA or the Commission.

18 10. Notwithstanding that Respondent is not currently registered with the Commission as a
19 securities salesman, under A.R.S § 44-1963(D), Respondent continues to be subject to the Commission's
20 jurisdiction for two years after the termination of his registration for the purpose of denying, suspending,
21 or revoking his registration in connection with conduct that began before the termination of his
22 registration.

23 11. On May 15, 2019, Respondent was indicted in Maricopa County Superior Court Cause
24 No. CR2019-005077-001 for violations of the Arizona Revised Statutes ("A.R.S.").

25 12. The Indictment charged Respondent with one count of Forgery, three counts of Taking
26 the Identity of Another, and one count of Theft; all counts related to client accounts at BBVA.

13. On July 25, 2019, Respondent entered into a plea agreement with the Maricopa County Attorney's Office in Maricopa County Superior Court Cause No. CR2019-005077-001. Respondent pled guilty Count 1, Forgery, a class 4 felony and Count 4, Taking the Identity of Another, a class 4 felony, as alleged in the Indictment.

14. On September 17, 2019, the Court accepted the plea agreement and sentenced Respondent in Maricopa County Superior Court Cause No. CR2019-005077-001 to a term of supervised probation. The Court ordered Respondent to pay restitution to BBVA Compass Bank in the amount of \$20,185.

III.

REMEDIES PURSUANT TO A.R.S. § 44-1962

(Denial, Revocation, or Suspension of Registration of Salesman; Restitution, Penalties, or other Affirmative Action)

15. FINRA's acceptance of the AWC, which permanently barred Respondent from association with any FINRA member is grounds to revoke Respondent's registration as a securities salesman with the Commission pursuant to A.R.S. § 44-1962. Specifically, Respondent is subject to an order of an SRO which revokes his membership or registration as a broker in securities for at least 6 months within the meaning of A.R.S. § 44-1962(A)(8).

IV.

REQUESTED RELIEF

The Division requests that the Commission grant the following relief:

1. Order the revocation of Respondent's registration as a securities salesman pursuant to A.R.S. § 44-1962;
2. Order any other relief that the Commission deems appropriate.

XIII.

HEARING OPPORTUNITY

Respondent may request a hearing pursuant to A.R.S. § 44-1972 and A.A.C. R14-4-306. **If Respondent requests a hearing, Respondent must also answer this Notice.** A request for hearing must be in writing and received by the Commission within 10 business days after service of this Notice of Opportunity for Hearing. The Respondent must deliver or mail the request to Docket Control, Arizona Corporation Commission, 1200 W. Washington, Phoenix, Arizona 85007. Filing instructions may be obtained from Docket Control by calling (602) 542-3477 or on the Commission's Internet web site at <http://www.azcc.gov/divisions/hearings/docket.asp>.

If a request for a hearing is timely made, the Commission shall schedule the hearing to begin 20 to 60 days from the receipt of the request unless otherwise provided by law, stipulated by the parties, or ordered by the Commission. If a request for a hearing is not timely made the Commission may, without a hearing, enter an order granting the relief requested by the Division in this Notice of Opportunity for Hearing.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Carolyn D. Buck, ADA Coordinator, voice phone number (602) 542-3931, e-mail cdbuck@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation. Additional information about the administrative action procedure may be found at <http://www.azcc.gov/divisions/securities/enforcement/AdministrativeProcedure.asp>

XIV.

ANSWER REQUIREMENT

Pursuant to A.A.C. R14-4-305, if Respondent requests a hearing, Respondent must deliver or mail an Answer to this Notice of Opportunity for Hearing to Docket Control, Arizona Corporation Commission, 1200 W. Washington, Phoenix, Arizona 85007, within 30 calendar days after the date of service of this Notice. Filing instructions may be obtained from Docket Control by calling (602)

1 542-3477 or on the Commission's Internet web site at
2 <http://www.azcc.gov/divisions/hearings/docket.asp>.

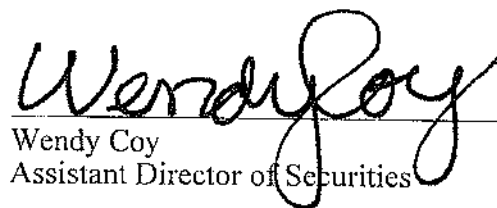
3 Additionally, Respondent must serve the Answer upon the Division. Pursuant to A.A.C. R14-
4 4-303, service upon the Division may be made by mailing or by hand-delivering a copy of the Answer
5 to the Division at 1300 West Washington, 3rd Floor, Phoenix, Arizona, 85007, addressed to Elizabeth
6 Schmitt.

7 The Answer shall contain an admission or denial of each allegation in this Notice and the
8 original signature of the Respondent or Respondent's attorney. A statement of a lack of sufficient
9 knowledge or information shall be considered a denial of an allegation. An allegation not denied
10 shall be considered admitted.

11 When the Respondent intends in good faith to deny only a part or a qualification of an
12 allegation, Respondent shall specify that part or qualification of the allegation and shall admit the
13 remainder. Respondent waives any affirmative defense not raised in the Answer.

14 The officer presiding over the hearing may grant relief from the requirement to file an Answer
15 for good cause shown.

16 Dated this 6 day of August 2020.

17
18 
19 Wendy Coy
20 Assistant Director of Securities
21
22
23
24
25
26